HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT APPEAL No.1871 of 2005

Between:

David's Memorial Socio Educational Association …Appellant.

AND

District Registrar, Eluru,

West Godavari District. …Respondent.

:: JUDGMENT ::

Counsel for the Appellant : Mrs.N (P) Anjana Devi.

Counsel for the Respondent : Government Pleader for Revenue

representing Government Pleader

for Co-operation.

5th DECEMBER 2005

(Per G.S.Singhvi, CJ)

This appeal is directed against order dated 11-8-2005 passed by the learned Single Judge in Writ Petition No.16676 of 2005.

After hearing the learned counsel for the appellant and the learned Government Pleader, we are convinced that the appeal is liable to be dismissed because during the pendency of the appeal, District Registrar, Eluru, West Godavari Distarict has passed order dated 17-9-2005 and taken on file the list furnished by Sri

G.Rajamannar David Raju.

In counter affidavit dated 15-11-2005, Sri M.Venkateswarlu, District Registrar, Eluru, has made the following averments.

"……..Even as per the averments in the writ petition that it is not in dispute that late G.Satyanand David was the President of the Society at the time of Registration of the society. It is true that Sri Rajamannar David Raju filed a representation dated 12-4-2003 claiming as President of the Society and requested to incorporate his name as President in the Registrar's office. The petitioner has issued telegram and also issued a legal notice opposing the request of Sri Satyanand David Raju for registration. Having noticed that a civil suit O.S.No.74/2004 was pending on the file of Senior Civil Judge, Eluru, the impugned proceedings in the writ petition issued by me. However, the representation submitted by Sri Satyanand David Raju to the Commissioner & Inspector General of Registration & Stamps, Hyderabad was disposed of by the Commissioner & I.G. of Registration & Stamps, Hyderabad in their Memo No…. dated 15-9-2005 directing me to examine critically the lists submitted by the petitioner and the lists submitted by Rajamannar David Raju and take appropriate decision. The Memo was issued subsequent to the orders of the Hon'ble Court dated 11-8-2005. After receiving the Memo of the Commissioner & I.G. of Registration & Stamps, Hyderabad, I have examined the lists submitted by the petitioner as well as Sri Rajamannar David Raju, S/o.late Satyanand David Raju and issued proceedings dated 17-9-2005 taking on file the lists furnished by Sri Rajmannar David Raju."

Since the District Registrar has already adjudicated the matter, the appellant cannot get the relief in terms of the prayer made in the writ petition unless order dated 17-9-2005 is successfully challenged.

In view of the above, the appeal is dismissed leaving the appellant free to challenge order dated 17-9-2005.

Learned counsel for the appellant complains that copy of order dated 17-9-2005 has not been supplied to her client. By taking cognizance of the statement, we direct District Registrar, Eluru to supply certified copy of order dated 17-9-2005 to the appellant within three days of their making an application for that purpose and depositing the prescribed charges.

(G.S. SINGHVI, CJ.)

5th December, 2005

(C.Y.SOMAYAJULU.J.)

ARS